

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

6. I have been named a “Super Lawyer” for each of the last eight years by *Minnesota Law and Politics*, and *Minneapolis St. Paul Magazine*.

7. I was named one of the Top 100 Attorneys in Minnesota for 2007 and one of the Top 40 Employment Attorneys in Minnesota in 2004, 2005, 2006, 2007, and 2008.

8. I have authored numerous articles, participated in numerous legal seminars and conventions on employment and trial practice issues, and am a frequent lecturer on current employment related topics.

9. Attached hereto as Exhibits are true and correct copies the following:

Exhibit A: Defendant’s Offer of Judgment;

Exhibit B: Nicole Imbeault’s Notice of Acceptance of Judgment with exhibit;

Exhibit C: Nichols Kaster, PLLP Attorney’s Fees through February 9, 2009;

Exhibit D: Nichols Kaster, PLLP Costs through February 9, 2009;

Exhibit E: Moon v. Gab Kwon
2002 WL 31512816, Case No. 99 Civ. 11810 (GEL)
(S.D.N.Y.);

Exhibit F: Hnot v. Willis Group Holdings, Ltd.,
2008 WL 1166309, Case No. 01 Civ. 6558 (GEL)
(S.D.N.Y.);

Exhibit G: Torres v. City of New York
2008 WL 419306, Case No. 07 Civ. 3473 (GEL)
(S.D.N.Y.);

Exhibit H: N.Y. City Dist. Council of Carpenters Pension Fund v. Quantum Construction
2008 WL 5159777, Case No. 06 Civ. 13150 (GEL)(JCF)
(S.D.N.Y.);

Exhibit I: Starkey v. Somers Central School District
2008 WL 5378123, Case No. 02 Civ. 2455 (SCR)
(S.D.N.Y.);

Exhibit J: Pappas v. Watson Wyatt & Company
2008 WL 45385, Case No. 3:04CV304 (EBB)
(D. Conn.);

Exhibit K: Krauth v. Executive Telecard, Ltd.
1996 WL 29420, Case No. 95 Civ. 3967 (RWS)
(S.D.N.Y.); and

Exhibit L: Heng Chan v. Sung Yue Tung Corp.
2007 WL 1373118, Case No. 03 Civ. 6048 (GEL)
(S.D.N.Y.).

FURTHER YOUR AFFIANT SAYETH NOT.

/s/Steven Andrew Smith
Steven Andrew Smith

Subscribed and sworn to before me
This __9__ day of March, 2009.

/s/Ariana E. Lowther
Notary Public